

Filed for intro on 01/21/95
Senate Bill _____
By _____

House Bill No.HB0069
By Whitson

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 12, relative to counselling services for railroad crew members involved in accidents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 12, is amended by adding the following language as a new appropriately numbered section:

(a) Every railroad corporation and railway company shall make available to every member of an operating crew involved in an accident on its railway or right-of-way which results in loss of life or serious bodily injury, counselling services or other critical incident stress debriefing services within forty-eight (48) hours of the accident. An engineer, or other operating crew member involved in the accident shall be relieved from duty with compensation and applicable benefits at the site of the accident for a minimum of three (3) days.

(b) Leave may be without compensation and benefit if the railroad corporation makes an affirmative showing that the accident was due to

negligence of an engineer or other operating crew member. A person who is eligible for these benefits and did not act negligently may participate despite the negligence of a fellow crew member.

(c) Any engineer returning to duty following such leave shall, if he or she so requests, be assigned an assistant engineer or other qualified person who shall accompany him or her for such time as may be necessary to guarantee the public safety, or until an appropriate medical practitioner has determined that the engineer does not suffer from post-traumatic stress disorder.

(d) The Public Service Commission shall, in accordance with Tennessee Code Annotated, Title 4, Chapter 5, promulgate rules and regulations necessary for the implementation and enforcement of the provisions of this section.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.